IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Crl.MC.No. 3672 of 2007()

CRLMP.4316/2007 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

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PETITIONER: ACCUSED

B.SATHISH NAIR,
S/O.DR.BALAKRISHNAN NAIR,
SIVAM HOUSE, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. No. 3672 OF 2007 B

Dated this the 12th day of December, 2007

O R D E R

Petitioner faces allegations in a crime registered for offences punishable under Sections 406 and 420 IPC. He filed an application for release of articles which were seized from his possession. The learned Additional Chief Judicial Magistrate, by the impugned order dated 17.9.07, allowed the petition in part. He directed the release of some of the articles seized on condition that a bond for Rs.2,00,000/- is executed with two solvent sureties each for the like sum. The remaining items, it was directed, can be applied for later as they are required for the purpose of investigation.

2. The petitioner has come to this Court with a grievance that insistence of execution of bond with two solvent sureties is not necessary. The articles do belong to the petitioner without any controversy. The petitioner is entitled to possession of the same. They are not in any way

connected with the crime alleged at all. In these circumstances, it is not necessary to direct retention of any article in court or to insist on any bond with sureties.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor submits that the State has no objection against release of all other articles shown in Crl.M.P.4316/07 except items 1 and 2 of list 1 – Company seal and Company Managing Partner seal and items 33 to 35 of list 2 i.e., Trans India Construction site map file-1, Trans India Construction Cash Bank Voucher-2 numbers and Payment Receipt book – blank-1 number.

4. In the circumstances of the case, I am satisfied that there can be a direction to release all the other articles except the five articles referred to above to the petitioner on condition that he must execute a bond for Rs.2,00,000/- (Rupees two lakhs only) without any sureties.

(R.BASANT, JUDGE)

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